

SENATE BILL

No. 5

Introduced by Senator Speier

August 21, 2006

An act to add Section 2914 to the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, as introduced, Speier. Corrections: inmates: out of state transfers.

Existing law charges the Department of Corrections and Rehabilitation with the custody of California inmates.

This bill would allow the department to house California inmates in out-of-state facilities under specified circumstances and would authorize the department to enter into contracts with operators of out-of-state facilities for the housing of and services for inmates housed in the facility.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2914 is added to the Penal Code, to
- 2 read:
- 3 2914. (a) Notwithstanding any other provision of law, the
- 4 Department of Corrections and Rehabilitation is authorized to
- 5 enter into contracts with operators of out-of-state correctional
- 6 facilities to house and provide services for inmates in the custody
- 7 of the department, as provided by subdivision (b). The contracts

1 may be entered into with a state government or any other
2 operator of a correctional facility in another state. The per inmate
3 costs of any contract entered into by the department may not
4 exceed the per inmate cost of housing the inmate in a prison
5 operated by the department. As part of the contract, the operator
6 of the out-of-state correctional facility must agree to indemnify
7 the state of California for any injury to the inmate while under
8 the control of the operator of the out of state correctional facility.

9 (b) The department may house an inmate in an out-of-state
10 correctional facility for the remainder of the inmate's prison term
11 if all of the following apply:

12 (1) The federal Immigration and Customs Enforcement (ICE)
13 has placed a hold on the inmate.

14 (2) ICE has provided the inmate all necessary hearings and
15 due process and it has been determined that the inmate will be
16 deported to the county of his or her last legal residence because
17 the inmate is illegally within the United States.

18 (3) The Department of Corrections and Rehabilitation will
19 notify ICE to make arrangements to take the inmate into federal
20 custody on the date the inmate is scheduled to be released from
21 the correctional facility and ICE will take the inmate to an ICE
22 facility for deportation.

23 (4) The inmate was given an opportunity to show that housing
24 the inmate in an out-of-state facility will cause an undue hardship
25 to the inmate and the inmate's immediate family and the
26 department determined that no undue hardship would be caused.

27 (c) If, for any reason, it is determined the inmate will not be
28 deported out of the United States, the department will bring the
29 inmate back to California to be housed in an in-state correctional
30 facility and will ensure the inmate is placed on supervised parole
31 upon his or her release from prison.